7766905/2023/VIG-II-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department – Allegation of claiming of salary irregularly for the absence period while on deputation at the O/o. the MPDO, Dagadarthi, SPSR Nellore District in respect of Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR, Kavali, SPSR Nellore District - Common disciplinary proceedings and charges framed against **Sri N. Venkateswara Rao, Senior Assistant & Superintendent, O/o. the EE, PR Division, Kavali** (now Retired) - Charge proved in inquiry report of Member, C.O.I & IA dt:29.10.2021- Representation received – Imposition of penalty of 10% cut in pension for a period of (5) years under Rule 9 of A.P. Revised Pension Rules, 1980 –Orders–Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.487 **Dated:10.08.2023.**

Read the following:

1. From the DG, ACB, Letter C.No. 5/RE-NNL/2011, dated: 1.6.2016.
2. G.O.Rt.No. 785, PR&RD (Vig. II) Department, Dated: 30.11.2017.
3. G.O.Rt.No. 794, PR&RD (Vig. II) Department, Dt: 30.11.2017.
4. From Sri N. Venkateswara Rao, former Supdt, O/o. EE, PR, Kavali and Administrative Officer, O/o. the MPDO, Jaladanki, SPSR Nellore Dist, written statement of defence dt:5.11.2020.
5. G.O.Rt.No. 27, PR&RD (Vig. II) Department, Dt: 22.01.2021.
6. From Sri K. Venkata Ramireddy, Member, Commissionerate of Inquiries, GAD and Inquiry Authority, D.O.Letter.No. 02/COI-KVR/2021, Dated 29.10.2021.
7. Govt. Memo.No.8245/Vig.II/2016-15, PR&RD(Vig.II) Dept., dated:09.02.2022.
8. From the Commissioner, PR&RD,AP, Tadepalli, Guntur District, Letter NO. 998554/CPR&RD/VIG/2016, dated: 02.06.2022.
9. From the C.E.O (FAC), ZPP, SPSR Nellore District, Letter Rc.No.A1/660/2020, dt:07.06.2022 along with representation dt:20.04.2022 of Sri N. Venkateswara Rao, former Sr. Asst. & Supdt, O/o. EE, PR, Kavali and retired as Administrative Officer, MPP, Jaladanki, SPSR Nellore District and further representation of C.O. dt:28.11.2022.
10. Govt. Memo No. 8245/Vig. II/2016-22, PR&RD (Vig. II) Department, Dt: 24.07.2023.
11. From Sri N. Venkateswara Rao, retired Administrative Officer, O/o. Mandal Prjaa Parishad, Jaladanki, SPSR Nellore District, representation dt: 28.07.2023 (received in Govt. on 31.07.2023).

[P.T.O]

12. Interim orders of Hon'ble High Court of A.P. dt: 18.07.2023 in WP No. 17549 of 2023 filed by Sri N. Venkateswara Rao, retired A.O, O/o. MPP, Jaladanki (received on 01.08.2023).
13. Govt. Letter No.8245/Vig.II/2016-24, Dated:02.08.2023.
14. From the Secretary to APPSC, Letter No.219/DC&C/2023, Dated:09.08.2023.

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ORDER:

Based on the recommendations of the Director General, Anti-Corruption Bureau, A.P, made in the reference 1st read above, on the allegation of claiming of salary irregularly for the absence period while on deputation at the O/o. the MPDO, Dagadarthi, SPSR Nellore District in respect of Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR, Kavali, SPSR Nellore District, Government, among others, have initiated common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 duly framing following article of charge under Rule 20 of said Rules, against Sri N. Venkateswara Rao, Senior Assistant & Superintendent, O/o. the EE, PR Division, Kavali, SPSR Nellore District, vide references 2nd and 3rd read above, with a direction to submit his written statement of defence :

Charge:

That Sri N. Venkateswara Rao, while working as Senior Assistant, O/o. the EE, PR Division, Kavali from 27.07.2007 to 21.12.2008 and as Superintendent from 03.01.2009 to 10.01.2011, has failed to intimate about non-receipt of duty certificate and (594) days of unauthorised absence period of Sri Kamal Suesh Babu, from 27.07.2007 to 21.12.2008 to Executive Engineer, PR, Kavali, while preparing pay and allowances of Sri Kamal Suresh Babu, Jr. Asst., thereby caused loss to Government.

Thus, Sri N. Venkateswara Rao, Supdt, O/o. EE, PR, Kavali, SPSR Nellore Dist., by his above mentioned acts, has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. servant and thereby contravened the Rule 3 (1) & (2) of A.P.C.S (Conduct) Rules, 1964.

2. In the reference 4th read above, the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali, has submitted his written statement of defence dt:5.11.2020.

3. Government have not satisfied with the written statement of defence submitted by Charged Officer and decided to conduct regular inquiry into the matter against the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali including against eight (8) other co-charged officers involved in the case. Accordingly, in the reference 5th read above, Government have

[P.T.O]

entrusted the case to Commissionerate of Inquiries and appointed Sri K. Venkata Ramireddy, Member, C.O.I, G.A. Department as the Inquiring Authority under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991 to conduct inquiry into the charges framed against all the nine (9) Charged Officers in the matter.

4. In the reference 6th read above, the Member, C.O.I & Inquiring Authority has submitted inquiry report dt:29.10.2021, wherein the Inquiry Officer has held that charge framed against the charged officer Sri N. Venkateswara Rao, Superintendent, O/o. EE, PR, Kavali, is held proved, among others.

5. In the reference 7th read above, Government, among others, have communicated a copy of the inquiry report to the charged officer Sri N. Venkateswara Rao, Superintendent, O/o. EE, PR, Kavali as per Rule 21 (2) of A.P.C.S (CC&A) Rules, 1991, for his representation if any on the findings of the Inquiry Authority.

6. In the reference 9th read above, the Chief Executive Officer (FAC), ZPP, SPSR Nellore District, has furnished the representation of the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali, to Government for taking further action.

7. In his representation dt:20.04.2022, the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali, has stated that as per the inquiry report and the evidence of PW-1 to 10 made available therein that there was no IOTA of evidence to say that he was failed to intimate about unauthorized absence of CO-1 and there was no piece of evidence of his collusion with the C.O.1 for drawing of the salary for the absent period. It was purely an act of mistake by oversight without any mollified intention. However, the Inquiry Authority came to erroneous conclusion and held that charge is held proved against him. He has disagreed with the findings of I.A and requested to exonerate him from the charge. In his further representation dt:28.11.2022, the charged officer has informed that he was retired from service on 30.06.2021 and requested the Government for favourable orders in the matter.

8. Government have examined the matter with reference to the material made available and observe that the Chief Executive Officer, ZPP, Nellore vide Procs. Rc. No.A2/5581/06, dt:10.08.2007, issued orders in respect of Sri P. Kamal Suresh Babu, Junior Assistant, O/o. the EE, PR Division, Kavali, for deputation to the O/o. the MPDO, Dagadarthi Mandal, with a direction therein to the Executive Engineer, PR, Kavali, to relieve the individual from PR Division, Kavali and to claim salary upon receipt of duty certificate from the O/o. the MPDO, Dagadarthi Mandal. Accordingly, the Charged Officer-1 Sri P. Kamal Suresh Babu, Junior Assistant, was got relieved from the O/o. the EE, PR, Kavali on 16.08.2007 itself to O/o. the MPDO, Dagadarthi Mandal

[P.T.O]

on deputation basis. As per the above proceedings, the O/o. the EE, PR, Kavali, has to draw the pay and allowance of above individual only upon a duty certificate received from the O/o. the MPDO, Dagadarthi. Whereas the charged officer Sri N. Venkateswaraw Rao, having been worked as Senior Assistant from 27.07.2007 to 21.12.2008 and as Superintendent from 03.01.2009 to 10.01.2011 in the same office, had failed to intimate about non-receipt of duty certificate and (594) days of unauthorised absence period of Sri Kamal Suesh Babu, from 27.07.2007 to 21.12.2008 to Executive Engineer, PR, Kavali while preparing pay and allowances of Sri Kamal Suresh Babu, Jr. Asst., Thus, he is responsible in the matter and he is not absolved from the charge.

9. Accordingly, Government after examination of the matter, have taken a decision to impose a penalty of 10% cut in pension for a period of (5) years against the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali and retired as Administrative Officer, MPP, Jaladanki, SPSR Nellore District under Rule 9 of A.P Revised Pension Rules, 1980 since charge is held proved against him. The same has been communicated to the C.O., through the reference 10th read above for his representation if any for taking further action in the matter.

10. In the reference 11th read above, the charged officer Sri N. Venkateswara Rao, former Senior Assistant and Superintendent, O/o. the E.E, PR Division, Kavali and retired Administrative Officer, O/o. MPP, Jaladanki, SPSR Nellore District, has submitted a representation dt:28.07.2023 stating that the above Govt. Memo dt:24.07.2023 have been got served on him through C.E.O, ZPP, Nellore on 26.07.2023. He has agreed with the above provisional decision of the Government to impose 10% cut in pension for a period of (5) years and stated that he was retired from service and his pensionary benefits are pending and requested to issue favourable orders in the matter.

11. In the reference 12th read above, the Hon'ble High Court of A.P. in WP No. 17549 of 2023 filed by Sri N. Venkataswara Rao, retired Admn. Officer, O/o. MPP, Jaladanki, SPSR Nellore District, have directed Respondents i.e., Government to complete the inquiry and pass appropriate orders, considering the report dated 29.10.2021 as well as the explanation submitted by the petitioner, within a period of two (02) weeks from the date of receipt of copy of the order. The said orders have been received in Government on 01.08.2023.

12. Government, after examination of the same, have decided to proceed further with the above provisional decision to impose the above penalty against the charged officer since the C.O., himself has agreed with the above penalty. Accordingly, in the reference 13th read above, the Secretary, A.P. Public Service Commission was requested to obtain the concurrence and to communicate the same to Govt., for

[P.T.O]

taking further action duly keeping in view the High Court orders dt:18.07.2023 in W.P.No.17549 of 2023 in the matter.

13. In the reference 14th read above, the Secretary, A.P. Public Service Commission, has communicated the consent of the commission to impose the above penalty against the charged officer and advised to take action accordingly.

14. Government, after careful examination the matter and duly keeping in view the orders of the Hon'ble High Court of A.P. dt:18.07.2023 in WP No.17549 of 2023, hereby impose a penalty of 10% cut in pension for a period of (5) years against the charged officer Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali and retired as Administrative Officer, MPP, Jaladanki, SPSR Nellore District under Rule 9 of A.P Revised Pension Rules, 1980, in the matter.

15. The Commissioner, Panchayat Raj and Rural Development, A.P, Tadepalli, Guntur District, is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Panchayat Raj and Rural Development, A.P, Tadepalli, Guntur District
Sri N. Venkateswara Rao, former Superintendent, O/o. EE, PR, Kavali and retired as Administrative Officer, MPP, Jaladanki, SPSR Nellore District. (**through** the Commissioner, Panchayat Raj and Rural Development, A.P, Tadepalli, Guntur District)
(with a request to serve the orders on the individual and furnished served copy to Government).
The Chief Executive Officer, Zilla Praja Parishad, SPSR Nellore District.

Copy to:
The Engineer-in Chief, Panchayat Raj, A.P., Vijayawada.
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The A.P. Public Service Commission, Vijayawada.
The PR&RD(Estt.IV) Department.
The Govt. Pleader for Services-IV, A.P. High Court, Amaravati.
OSD to the Hon'ble Dy.CM for PR&RD Department.
PS to Spl. CS to Govt, PR&RD Department.
SF/SC

//FORWARDED::BY::ORDER//

SECTION OFFICER